

Prior to submission of transmission proposals, an applicant should seek, and a locality should, in good faith, provide input into the development of the applicant's transmission proposal. The applicant should be encouraged but not required to incorporate the locality's input into its filed proposal. In any case the locality must do more than just request the requirement to underground the lines of any transmission proposal that is to be considered.

Question #1

A locality requesting SCC consideration of an underground transmission line should be required to participate as a respondent to the proceeding in which it proposes such an alternative. As a respondent the locality would be subject to the same rules of discovery and examination as the applicant utility. Unless the locality is formally included as a Respondent, they have opportunity to intervene, creating additional costs and delays, without any responsibility or accountability. Requiring a locality to become a Respondent could cause the locality and its governing body to more fully weigh their decision concerning participation in a legal proceeding.

Question #2

A locality requesting SCC consideration of an underground transmission line alternative should be obligated to develop and submit to the SCC a proposal detailing that alternative, providing evidentiary support for that proposal and having the burden of proof if the locality chooses to participate as a formal party or a respondent. The locality's underground transmission proposed alternative would be analyzed, evaluated and examined under the same scrutiny as any utility alternative. Under such scrutiny the locality would be required to demonstrate the viability and feasibility of their underground alternative.

Question #3

As a respondent to the proceeding, the locality should be required to adhere to all rules and meet any schedules set forth by the SCC in the docket. In accordance with the state code governing public comments, the locality's underground transmission proposal should be made available to the public as early as possible, preferably during the public commenting period. The public and interested parties should be afforded the opportunity to comment on all transmission alternatives not just the applicant's proposals.

Question #4

The applicant utility should not be required to develop an underground alternative based solely on a locality's request. The development of an underground alternative requires considerable effort and expense, and should only be required after thorough analysis by

and instruction from the Commission. Unlike most localities, the Commission and its Staff have the experience and technical knowledge necessary to determine the appropriateness of developing an underground alternative. Additionally, unlike localities, the Commission has the responsibility to consider the best interests – both economics and reliability – of all utility consumers, not just the interests of citizens of a certain locality. If applicants were required to develop, at their own costs, underground alternatives simply at the request of a locality, localities could impose this requirement routinely since such localities would incur no costs or other burden in so doing. This requirement could only serve to increase the applicant's engineering and analysis costs for the application process and delay the approval and construction of needed facilities. . Additionally, there is an inherent conflict of interests because the applicant is essentially incurring the cost to prove it previously submitted transmission proposals invalid by developing underground transmission proposals for any locality wishing to forward such proposals for consideration. As a respondent the locality should either be responsible for sponsoring, developing and proving the viability of its own underground transmission alternative, or for significantly sharing the applicant's cost of developing an underground transmission alternative if the Commission determines development of such an alternative is appropriate.

Question #5

The Commission's present authority to consider underground alternatives to transmission line routing pursuant to Subsection E of § 56-46.1 is sufficient.